

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CR-00184-RJC-DSC

USA

v.

ALLEN GARNER

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ORDER

THIS MATTER comes before the Court on the pro se letter of Jaquetta Funderburk (Petitioner), (Doc. No. 14), seeking the return of a firearm and the government's Motion to Dismiss, (Doc. No. 15), pursuant to Fed. R. Crim. P. 32.2(c)(1)(A).

The government's motion was referred to a magistrate judge who recommended that it be granted based on Petitioner's failure to sign her claim under penalty of perjury. (Doc. No. 16: Memorandum and Recommendations (M&R) at 3). Petitioner did not file any objections to the magistrate judge's conclusion within the time period for doing so.

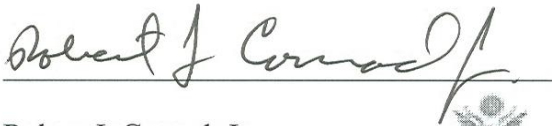
A district court may assign dispositive pretrial matters, including motions to dismiss, to a magistrate judge for "proposed findings of fact and recommendations." 28 U.S.C. § 636(b)(1)(A) & (B). The Federal Magistrate Act provides that a district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). When no objection is filed, "a district court need not conduct a de novo review, but instead must 'only satisfy itself that

there is no clear error on the face of the record in order to accept the recommendation.’ ” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, advisory committee note).

This Court has conducted a full review of the M&R and other documents in the record and finds that the decision of the magistrate judge is in accordance with the law. Accordingly, the Court ADOPTS the recommendation of the magistrate judge, (Doc. No. 16), as its own.

IT IS, THEREFORE, ORDERED that the Government’s Motion to Dismiss, (Doc. No. 15), Funderburk’s Petition, (Doc. No. 14), is **GRANTED**.

Signed: December 9, 2020


Robert J. Conrad, Jr.
United States District Judge

